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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,674	04/27/2001	Rajko Milovanovic	TI-29757	8437

7590 09/30/2003
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EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,674

Applicant(s)

MILOVANOVIC ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 7/11/2003 (paper no. 4). Accordingly, claim 5 is canceled and claims 1-4 and 6-18 are pending for the examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viallet et al. (WO 00/13417 hereinafter Viallet) in view of Kara et al. (US PAT. 5,323,470 hereinafter Kara).

Regarding claim 1, Viallet discloses a method of acquisition of participants in a video telephony session comprising the steps of building a visual enumeration list of humans (P1 to Pn, figure 3) in the video telephony session for a camera (11, figure 3) to focus on, determining locations of the humans by determining the locations of the faces in the image and controlling the camera to hop directly from human to human (abstract). Viallet differs from the claimed invention in not specifically teaching to build the visual enumeration list including comparing a stored bit map of the faces of participant with a received bit map from the camera. However, Kara teaches a method for automatically tracking a position of a moving object in a real time by comparing a pre-stored object model image with a current image (abstract and col. 5 lines 22-42). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Viallet in building the visual enumeration list including comparing a stored bit map of the faces of participant with a received bit map from the camera, as per teaching of Kara, because it make more efficiency in automatically tracking the position of the object in the real time.

Regarding claim 2, Viallet teaches to use the interface to register images of P1-Pn (figure 3) so that it recognizes the step of building the visual enumeration including highlighting a human face (i.e., P1, figure 3) display received from the camera and prompting users to identify if the that human face is included.

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Regarding claims 3-4, Viallet discloses each person's face being tagged in a training session and the humans to be included are called out or otherwise determined by the tag, wherein the locations of human faces are determined and stored (figure 3).

Regarding claim 6, Viallet discloses the camera including a driver (20, figures 1-2) responsive to the stored locations for driving the camera to focus on the faces.

4. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viallet et al. (WO 00/13417 hereinafter Viallet) in view of Kara et al. (US PAT. 5,323,470 hereinafter Kara) in view of Robinson et al. (GB 2,313,251A hereinafter Robinson).

Regarding claims 7-12, the combination of Viallet and Kara differs from the claimed invention in not specifically teaching to designate a target person in a whisper target mode and diverting videophone mike and speakers out of shared audio to private conversation. However, Robinson teaches a method of using wireless communication terminal (170) at different stations for performing a multimedia conference as shown in figure 1 capable of establish a private communication between two of more stations during a conference call so that a user is capable of initiating a private communication with other conferees or terminate the private communication (figures 5, abstract and page 6 line 12 through page 9 line 10). Note while Robinson also discloses to connect only a target station during the private communication (figure 4, page 6 lines 26-27) so that it recognizes the private communication being not shared by other stations, i.e., removing all other stations except the target station. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Viallet and Kara in providing the whisper target mode, i.e., private communication mode, as

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per teaching of Robinson, in order to allow inter-party or inter-conference communication during a conference call.

5. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viallet et al. (WO 00/13417 hereinafter Viallet) in view of Kara et al. (US PAT. 5,323,470 hereinafter Kara) in view of Obata et al. (US PAT. 6,462,767 hereinafter Obata).

Regarding claims 8-16, the combination of Viallet and Kara differs from the claimed invention in not specifically teaching a voyeurism mode designating a target person for viewing without notice. However, Obata discloses a method for providing a voyeurism mode, i.e., GLANCE, APPROACH and TALK events, during video communication, in order to viewing an intended receiver, i.e., a target person, without notice such that a sender is capable of viewing the intended receiver and the intended receiver is capable of viewing a freeze frame view of the sender (figure 10) before going into the voyeurism mode and obviously comprising the step of escaping from the voyeurism mode (col. 5 line 61 through col. 11 line 52). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Viallet and Kara in having the voyeurism mode designating the target person for viewing without notice, as per teaching of Obata, because it makes user friendly so that a user enable to start conversation with a remote companion without disturbing the work with the remote companion.

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6. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viallet et al. (WO 00/13417 hereinafter Viallet) in view of Robinson et al. (GB 2,313,251A hereinafter Robinson).

Regarding claim 17, Viallet discloses a method of selective acquisition of participants in a video telephony session comprising the steps of building a visual enumeration list of humans in a single display (P1 to Pn, figure 3) in the video telephony session for a camera (11, figure 3) to focus on, determining locations of the humans by determining the locations of the faces in the image and controlling the camera to hop directly from human to human (abstract). Note while Viallet also teaches the invention applicable to video conferencing for allowing a user to selectively record image and sound of a corresponding person on the single display (figure 4) so that it recognizes Viallet in having the step of providing videophone mike and speakers for selecting participants in the video telephony session to operate in a shared mode. Viallet differs from the claimed invention in not specifically teaching of designating a target person of the multiple humans in a single display in a whisper target mode and diverting videophone mike and speakers and camera out of the shared audio and visual mode to private video and conversation. However, Robinson discloses to connect only a target station during the private communication (figures 5, abstract and page 6 line 12 through page 9 line 10) so that it recognizes Robinson in designating a target person of multiple participants in a whisper target mode and diverting out of shared audio and visual mode to private video and conversation. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Viallet and Kara in providing the whisper target mode, i.e., private

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communication mode, as per teaching of Robinson, in order to allow inter-party or inter-conference communication during a conference call.

Regarding claim 18, Viallet teaches to use the interface to select images of P1-Pn (figure 3) so that it recognizes the designation step including highlighting a target person (i.e., P1, figure 3) on a video screen (31, figure 3).

Response to Arguments

7. Applicant's arguments with respect to claims 1-4 and 6-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in cursive script that reads "George Eng".

George Eng

Examiner

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